

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

FLORINE WILSON

PLAINTIFF

V.

CIVIL CAUSE NO. 4:25-CV-40-SA-DAS

WALMART SUPER CENTER

DEFENDANT

ORDER DENYING MOTION TO STRIKE

The plaintiff Florine Wilson, proceeding *pro se*, filed a premises liability action against Walmart Super Center for injuries allegedly sustained while attempting to pick up a bag a charcoal with broken glass on it. Doc. 2. Walmart filed its Answer and Affirmative Defenses to the plaintiff's Complaint, and the plaintiff moved to strike its answer and each affirmative defense. Doc. 9. The plaintiff's motion argues the defendant's affirmative defenses are conclusory and false and generally expresses the various factual and legal bases for her disagreement with each answer and affirmative defense. Walmart responded to the motion, arguing its responsive pleading is sufficient and that the motion should be denied. The court agrees.

In pleading affirmative defenses, a defendant is only required to give "fair notice" of its affirmative defenses. *See Rogers v. McDorman*, 521 F.3d 381, 385 (5th Cir. 2008); *Woodfield v. Bowman*, 193 F.3d 354, 362 (5th Cir. 1999) ("[m]erely pleading the name of the affirmative defense . . . may be sufficient"). The *Woodfield* fair notice standard only required a defendant to:

plead an affirmative defense with enough specificity or factual particularity to give the plaintiff "fair notice" of the defense that is being advanced. We acknowledge that that in some cases, merely pleading the name of the affirmative defense ... may be sufficient.... The "fair notice" pleading requirement is met if the defendant "sufficiently articulated the defense so that the plaintiff was not a victim of unfair surprise."

Woodfield, 193 F.3d at 362 (internal citations omitted). The defendant is not required to plead detailed factual assertions in its answer or affirmative defenses, and the mere fact that the plaintiff believes the defendant's affirmative defenses are "false" or "misleading" is no basis for striking them. Finding no basis for determining the defendant's Answer and Affirmative Defenses to be insufficient as a matter of law, the plaintiff's motion is DENIED.

SO ORDERED, this the 14th day of May, 2025.

/s/ David A. Sanders

UNITED STATES MAGISTRATE JUDGE